

Remarks/Arguments

Claims 1, 4, 6, 7 and 9 are pending in the present case.

In the Office Action mailed May 21, 2003, the Examiner rejected claims 1, 4, 7 and 9 are rejected under 35 U.S.C. §102(a) over WO99/32572. Claims 1, 4, 7 and 9 are rejected under 35 U.S.C. §102(e) over U.S. Patent No. 6,239,183. Claims 1 and 6 are rejected under 35 U.S.C. §103(a) over WO99/32572. Finally, claims 1 and 6 are rejected under 35 U.S.C. §103(a) under U.S. Patent No. 6,239,183.

In response to the rejections applicants provide the following remarks that are believed to place the present case in condition for allowance. Favorable reconsideration of all the pending claims is respectfully requested.

Initially, applicants respectfully wish to notify the examiner that the present application has been assigned to Akzo Nobel Surface Chemistry LLC ("ANSC") (Copy attached). ANSC is owned by Akzo Nobel N.V. Akzo Nobel N.V. is the assignee of both WO 99/32572 and U.S. Patent No. 6,239,183, which are the only two documents relied on by the examiner to reject applicants' claims. Thus, the present application is assigned to the "same entity" as the documents relied on by the examiner to reject the present claims.

If one or more of the subject rejections could be overcome by filing a terminal disclaimer, applicants would be more than happy to prepare and file one.

I. The Rejection of Claims 1, 4, 7 and 9 Under 35 U.S.C. §102(a) Over WO99/32572.

Claim 1, as now amended, is limited to treating the formation in order to prevent or minimize fluid loss, and requires the additional step of breaking the gel of the aqueous treating fluid after the formation is treated. Since the cited art does not relate to a fluid loss method and since breaking the gel is not a feature disclosed by

the cited art it is respectfully submitted that the subject rejection cannot stand; reconsideration and withdrawal thereof is respectfully requested.

II. The Rejection of Claims 1, 4, 7 and 9 Under 35 U.S.C. §102(e) Over U.S. Patent No. 6,239,183.

U.S. Patent No. 6,239,183 is the U.S. equivalent of WO99/32572 cited above to reject applicants' claims. Accordingly, the above-arguments, which are incorporated herein by reference, are equally applicable here. In view of the foregoing, the subject rejection is believed to be improper; reconsideration and withdrawal thereof is respectfully requested.

III. The rejection of Claims 1 and 6 Under 35 U.S.C. §103(a) Over WO99/32572/U.S. Patent No. 6,239,183.

As previously mentioned, U.S. Patent No. 6,239,183 is the U.S. equivalent of WO99/32572.

Claim 1, as amended, recites a method of treating a subterranean formation, wherein said treatment relates to **controlling fluid loss** where the viscoelastic treating fluid further comprises **a salt or solid**; and mixtures thereof. The specifics of this treating method are clearly not disclosed or suggested by the cited documents. Additionally, the present claims require the step of breaking the gel of the aqueous viscoelastic treating fluid subsequent to treating said formation. This claim feature is also not disclosed or suggested by the cited art. In view of the foregoing differences between the claimed invention and the cited art, applicants respectfully submit that the examiner has failed to support a prima facie case of obviousness. Additionally, applicants respectfully submit that one of ordinary skill in the art would not consider the claimed invention to be obvious over the disclosure of the cited art. Therefore, the present rejection is believed to be improper; reconsideration and withdrawal thereof is respectfully requested.

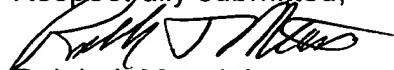
Concerning the section 112 rejections, claim 18 has been canceled rendering the rejection thereof moot; withdrawal thereof is respectfully requested.

Regarding the general formula, it is clear that applicants' compound, TAPAO, includes R' as hydrogen. Accordingly, it is clear that applicants inadvertently failed to define R' as including hydrogen as a possible substituent. To hold otherwise would take applicants preferred compound, TAPAO, outside the scope of the very general formula that applicants intended to cover it! Accordingly, applicants respectfully submit that TAPAO itself, having hydrogen at the R' position, clearly supports applicants correction of their general formula.

Finally, applicants corrected the chain length of the R substituent of the general formula to from 8 to 27 carbon atoms. This is another inadvertent error that applicants clearly have support to correct. More specifically, when R is an alkylamido group and TAPAO is contemplated, it is clear that the molecule can have, and does have 27 carbons in the R substituent. Correction is respectfully requested.

In view of the amendments and remarks herein, all of the pending claims are believed to be in condition for allowance, which action is respectfully solicited.

Respectfully submitted,



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